

**Enrolled Minutes of the Twenty-fourth Regular or Special Meeting
For the Twenty-Seventh Highland Town Council
Regular Meeting
Monday, November 12, 2012**

Study Session. The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, November 12, 2012 at 6:43 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Mark Herak, Dan Vassar, Brian Novak, Konnie Kuiper and Bernie Zemen were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent regular meeting.
2. The Town Council discussed the readiness of members to consider proposed Ordinance No. 1523, which would amend the Park Code regarding alcohol consumption, possession and use in the Lincoln Community Center. The discussion included the hope if the ordinance was adopted that the Park and Recreation Board would adopt rules limiting the dispensing to special events, under the aegis of a licensed caterer, and that no liquor should be stored at the Lincoln Center Site. It was noted that no instructing language was contained on the ordinance.
3. The Town Council discussed the proposed ordinance regarding property maintenance.

The study session ended at 6:58 O'clock p.m.

Regular meeting. The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, November 12, 2012 at 7:03 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Bernie Zemen, presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Town Council President Zemen reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Mark Herak, Dan Vassar, Brian Novak, Konnie Kuiper and Bernie Zemen. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Attorney; Bob Johnsen, Assistant, Public Works Director; Peter Hojnicky, Metropolitan Police Chief; Kenneth Mika, Building Commissioner; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; and Cecile Petro, Redevelopment Director were present.

Also present: Ed Dabrowski IT Director (Contract); Carlos Aburto, Park and Recreation Board President; Dennis Adams, Chair, Town Board of Metropolitan Police Commissioners and Mike Maloney, Redevelopment Commission President were also present.

Minutes of the Previous Meetings:

The minutes of the regular meeting of October 22, 2012 and the Special Meeting of October 29, 2012 were approved by general consent.

Special Orders:

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2012 Budget in the Sanitations Department of the Sanitary District Special Operating Fund in the amount of \$23,500.
 - (a) Attorney verification of Proofs of Publication: (The TIMES 2 November 2012)
The Town Attorney indicated that the proof of publication was in compliance with IC 5-3-1.
 - (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments written or spoken. The hearing was closed.
 - (c) Action on **Appropriation Enactment No. 2012-50: An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Sanitation Department of the Sanitary District Special Operating Fund, by Reducing Appropriations in the Administration and Operations Department of the same fund, all pursuant to I.C. 6-1.1-18, I.C. 36-5-3-5, et seq.**

Councilor Herak introduced and moved the consideration on the first meeting of introduction of Enactment No. 2012-50. Councilor Novak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment could be considered at the first meeting of its introduction.

Councilor Kuiper moved the passage and adoption on the first meeting of introduction of Enactment No. 2012-50. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment was passed and adopted at the first meeting of its introduction.

**Town of Highland
APPROPRIATION ENACTMENT
Enactment No. 2012-50**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET FOR THE SANITATION DEPARTMENT OF THE SANITARY DISTRICT SPECIAL OPERATING FUND, BY REDUCING APPROPRIATIONS IN THE ADMINISTRATION AND OPERATIONS DEPARTMENT OF THE SAME FUND, ALL PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for Sanitation Department of the **Sanitary District Special Operating Fund**;

WHEREAS, It has been further determined that that certain existing designated appropriations of the **Administration and Operations Department of the Sanitary District Special Operating Fund** which are not needed at this time for the purposes for which originally appropriated, and may be reduced in order to support the additional appropriations required for the Sanitation Department of the same fund;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levy set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby reduced and ordered no longer available to the Sanitation Department of the **Sanitary District Special Operating Fund**, for the purposes herein specified, subject to the laws governing the same:

SANITARY DISTRICT SPECIAL OPERATING FUND:

Administration and Operations Department
Reduce the following Accounts:

Account No. 111.31-XXXX Laborer's Wages	\$ 12,000.00
Account No. 112.01-XXXX FICA/Medicare	\$ 1,000.00

Account No. 112.09-XXXX PERF Pension	\$ 1,500.00
Account No. 112.10-XXXX PERF Annuity	\$ 500.00
Account No. 111.38-XXXX Seasonal Workers	\$ 3,500.00
Total 100 Series:	\$ 18,500.00

Account No. 340.02-XXXX Insurance	\$ 3,000.00
Account No. 360.01-XXXX Equipment Repair	\$ 2,000.00
Total 300 Series:	\$ 5,000.00

Total of All Departmental Reductions: \$23,500.00

Section 2. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the Sanitation Department of the **Sanitary District Special Operating Fund** and for the purposes herein specified, subject to the laws governing the same:

SANITARY DISTRICT SPECIAL OPERATING FUND:

Sanitation Department
Increase the following Accounts:

Account No. 111.31-XXXX Laborer's Wages	\$ 15,500.00
Account No. 112.01-XXXX FICA/Medicare	\$ 1,000.00
Account No. 112.09-XXXX PERF Pension	\$ 1,500.00
Account No. 112.10-XXXX PERF Annuity	\$ 500.00
Total 100 Series:	\$ 18,500.00

Account No. 340.23-XXXX Group Health/Medical	\$ 5,000.00
Total 300 Series:	\$ 5,000.00

Total of All Departmental Increases: \$23,500.00

Total Increase for Fund: \$ 0.00

Section 3. That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and that these moneys be made available for expenditure **subject to an order** of the Commissioner, pursuant to IC 6-1.1-18.

Section 4. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 12th Day of November 2012. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 12th Day of November 2012, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. Public Hearing: Proposed Additional Appropriations in Excess of the 2012 Budget in the **Special Public Safety Fund in the amount of \$8,500.**

(a) Attorney verification of Proofs of Publication: (The TIMES 2 November 2012)
The Town Attorney indicated that the proof of publication was in compliance with IC 5-3-1.

(b) **Public Hearing.** The Town Council President called the hearing to order.
There were no comments written or spoken. The hearing was closed.

(c) Action on **Appropriation Enactment No. 2012-51: An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Special Public Safety Fund, all pursuant to I.C. 6-1.1-18, I.C. 36-5-3-5, et seq.**

Councilor Kuiper introduced and moved the consideration on the first meeting of introduction of Enactment No. 2012-51. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment could be considered at the first meeting of its introduction.

Councilor Kuiper moved the passage and adoption on the first meeting of introduction of Enactment No. 2012-51. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The Enactment was passed and adopted at the first meeting of its introduction.

**TOWN OF HIGHLAND
APPROPRIATION ENACTMENT
ENACTMENT No. 2012-51**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the SPECIAL PUBLIC SAFETY FUND, PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Special Public Safety Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Special Public Safety Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

SPECIAL PUBLIC SAFETY FUND:

Account No. 2XX.XX Special Suits	\$ 1,000.00
<i>Total 200 Series:</i>	\$ 1,000.00

Account No. 4XX.XX Inflatable Raft	\$ 7,500.00
	\$ 7,500.00

Total for Fund:	\$ 8,500.00
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Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 12th Day of November 2012. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 12th Day of November 2012, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

Staff Reports:

• **Building & Inspection Report for September 2012**

Permit	Number.	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	6	0	6	\$185,399.00	\$2,973.50
Signs:	1	0	1	\$2,500.00	\$276.50
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/ Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	2	2	0	\$45,375.00	\$860.50
Residential Remodeling:	120	120	0	\$1,195,617.00	\$12,982.50
Garages:	1	1	0	\$14,500.00	\$360.50
Sheds:	2	2	0	\$1,498.00	\$243.00
Decks & Porches:	4	4	0	\$16,874.00	\$603.50
Fences	6	6	0	\$14,079.00	\$548.00
Swimming Pools	1	1	0	0	\$73.00
Drain Tile/ Waterproofing	4	4	0	\$22,100.00	\$501.50
Misc.	6	2	4	\$0.00	\$530.50
TOTAL:	153	142	11	\$1,497,942.00	\$19,952.50
Electrical Permits	21	16	5		\$2,042.00
Mechanical Permits	12	11	1		\$990.50
Plumbing Permits	4	2	2		\$409.30
Water Meters	1	1	0		\$230.00
Water Taps	0	0	0		\$0.00
Sewer/Storm Taps	0	0	0		\$0.00
TOTAL Plumbing:	5	3	2		\$639.30

September Code Enforcement:

Investigations: 179

Citations: 14

September Inspections:

Building: 44 Electrical: 35 Plumbing: 16 HVAC 7

Electrical Exams: 2

• **Building & Inspection Report for October 2012**

Permit	Number.	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	9	0	9	\$384,417.00	\$5,577.00
Signs:	7	0	7	\$119,870.00	\$3,057.50
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/ Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	2	2	0	\$60,142.00	\$1,062.00

Residential Remodeling:	140	140	0	\$943,943.00	\$15,828.00
Garages:	1	1	0	\$32,840.00	\$558.50
Sheds:	2	2	0	\$3,850.00	\$228.50
Decks & Porches:	3	3	0	\$16,0546.00	\$567.00
Fences	12	12	0	\$27,696.00	\$1,107.00
Swimming Pools	0	0	0	0	\$0.00
DrainTile / Waterproofing	2	2	0	\$13,355.00	\$278.00
Misc.	5	2	3	\$124,857.00	\$621.50
TOTAL:	183	164	19	\$1,727,016.00	\$28,885.00
Electrical Permits	16	10	6		\$1,586.00
Mechanical Permits	7	5	2		\$556.50
Plumbing Permits	11	5	6		\$1,375.75
Water Meters	2	1	1		\$585.00
Water Taps	2	0	2		\$660.00
Sewer/Storm Taps	0	0	0		\$0.00
TOTAL Plumbing:	15	6	9		\$2,620.75

OCTOBER Code Enforcement:

Investigations: 142

Citations: 13

OCTOBER Inspections:

Building: 27 Electrical: 37 Plumbing: 14 HVAC 10

Electrical Exams: 3

• **Fire Department Report for October 2012**

	Month	2nd half of yr.
General Alarms	13	50
Still Alarms	7	33
Paid still alarms	4	19
Total:	24	

• **Workplace Safety Report for October 2012**

There were two incidents. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2012	Total in 2011	Restricted Days 2012	Lost Workdays This Year	Restricted Days Last Year (2011)	Lost Workdays Last Year (2011)
Parks	0	0	0	0	0	0	0
Fire	0	0	1	0	0	1	0
Police	1	9	3	0	0	9	0
Street	0	6	5	0	0	16	0
Water & Sewer	1	4	4	2	0	4	77
Maint.	0	1	1	0	0	11	0
Other	0	2	0	0	0	0	0
TOTALS	2	20	16	2	0	32	77

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Unfinished Business and General Orders:

- 1. Introduced Ordinance No. 1523:** An Ordinance to Amend Chapter 150 of the Municipal Code which provides for a Department of Parks and Recreation and its Governance by a Park and Recreation Board, by repealing Sections §150.21 and § 150.41 in their entirety and providing for a amended successor sections, all pursuant to I.C. 36-1-4, IC 36-1-5 and IC 36-10-3 et sequitur. *This ordinance will repeal the alcoholic beverage prohibition at Lincoln Community Center, permitting the dispensing in limited circumstances for special events, with a sunset provision of December 31, 2013. This ordinance was introduced and filed by Councilor Herak at the meeting of October 22, 2012. There was no further action.*

Councilor Herak moved the passage and adoption of Ordinance No. 1523. Councilor Novak seconded. Upon a roll call vote, there were three affirmatives and two negatives. With Councilors Herak, Novak and Zemen voting in the affirmative and Councilors Vassar and Kuiper voting in the negative, the motion passed. The Ordinance was passed and adopted.

ORDINANCE No. 1523 of the TOWN of HIGHLAND, INDIANA

An Ordinance to Amend Chapter 150 of the Municipal Code which provides for a Department of Parks and Recreation and its Governance by a Park and Recreation Board, by repealing Sections §150.21 and § 150.41 in their entirety and providing for a amended successor sections, all pursuant to I.C. 36-1-4, IC 36-1-5 and IC 36-10-3 et sequitur.

Whereas, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

Whereas, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body; and

Whereas, The Town of Highland, is a Municipal Government which may pass and codify ordinances for the operation of the government, all pursuant to IC 36-1-4 and IC 36-1-5;

Whereas, The Town of Highland, is a municipality located in Lake County, which operates a Parks and Recreation Department, which has been continuously governed by the provisions of IC 36-10-3 et seq. at least since 1969;

Whereas, The Town of Highland, through its Town Council now desires to still further perfect its own organization as well as that of the Parks and Recreation Department and make certain enhancements to the ordinance establishing and governing the Department of Parks and Recreation, pursuant to IC 36-10-3 et seq.;

Now, Therefore, Be it hereby ordained by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That Section §150.21 of the Highland Municipal Code is hereby repealed in its entirety and of no further force or effect;

Section 2. That the Highland Municipal Code, be hereby amended by creating a successor section regarding Parks and Recreation, to be styled as Section §150.21, which shall read as follows:

§ 150.21 INTERPRETATION and SPECIAL EXCEPTIONS.

(A) Any requirement or provision of this subchapter relating to any act shall extend to and include the causing, procuring, aiding or abetting, directly or indirectly, of such act; or the permitting or the allowing of any unemancipated minor the doing of any willful or malicious act prohibited by the provisions hereof by the parent or legal guardian of such minor.

(B) No provision hereof shall make unlawful any act necessarily performed by any officer or employee of the department in line of duty or work as such, or by any person, his agents or employees, in the proper and necessary execution of the terms of any agreement with the board.

(C) *Special Exceptions.* Any act otherwise prohibited by this subchapter, provided it is not otherwise prohibited by law or local ordinance, shall be lawful if performed within custodial quarters within the park or is performed under, by virtue of, or strictly in compliance with the provisions of a permit issued by the

board and approved by the Town Council 30 days prior to the event. Any such permit issued hereunder by the board shall not be effective and valid unless said permit has been approved by the Town Council. Notwithstanding anything contained herein to the contrary, the board shall not issue any permit for the drinking, sale, possession or consumption of alcoholic beverages within the parks, ~~or Sharp Athletic Complex. or Lincoln Community Center.~~

Section 3. That Section §150.41 of the Highland Municipal Code is hereby repealed in its entirety and of no further force or effect;

Section 4. That the Highland Municipal Code, be hereby amended by creating a successor section regarding Parks and Recreation, to be styled as Section §150.41, which shall read as follows:

§ 150.41 ALCOHOL AND DRUGS.

(A) No person shall drink, sell, possess, make a gift or offer for sale any alcoholic beverage or drugs within the parks ~~or Lincoln Center~~, nor shall any person within the parks ~~or Lincoln Center~~ use, administer, receive, offer for sale, possess, or make available to himself, or to any other person or animal, any alcoholic beverage or drugs.

(B) Alcoholic beverages may be sold, dispensed, and consumed in the Lincoln Community Center solely in conjunction with a catered event, banquet, permitted event or special event conducted in and confined to a specific location designated for assemblies and rentals. This authorization is subject to provisions of IC 7.1-1 et seq and 905 IAC 1 et seq. No person shall use administer, receive, offer for sale, possess or make available to himself, or to any person or animal any drugs. The authority conferred under the provisions set forth in this subdivision (B), shall expire on December 31, 2013.

(C) Effective January 1, 2014. No person shall drink, sell, possess, make a gift or offer for sale any alcoholic beverage or drugs within Lincoln Center, nor shall any person within Lincoln Center use, administer, receive, offer for sale, possess, or make available to himself, or to any other person or animal, any alcoholic beverage or drugs.

Section 5. That the provisions of any existing ordinances, which are in conflict with the provisions set forth in this ordinance are of no further force or effect and are hereby repealed;

Section 6. That the provisions set forth in this ordinance shall become and remain in full force and effect thereafter, immediately following the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 22nd day of October 2012. Consideration on same day or at same meeting of introduction was not entertained, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED/REJECTED this 12th Day of November 2012 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 3 in favor and 2 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM
Clerk-Treasurer (IC 1-1-4-1(5); IC 33-16-4-1; IC 36-5-6-5)

2. **Works Board Order No. 2012-39:** An Order Finding and Determining Certain Special Circumstances sufficient to permit the Waiver and Release of Certain Interest and Penalties for Assessments Associated with a General Improvement District, all undertaken pursuant to IC 36-9-17; IC 36-9-36 and IC 36-9-37.

Councilor Herak moved the passage and adoption of Works Board Order No. 2012-39. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

THE TOWN of HIGHLAND
ORDER of the WORKS BOARD NO. 2012-39

AN ORDER FINDING and DETERMINING CERTAIN SPECIAL CIRCUMSTANCES SUFFICIENT to PERMIT the WAIVER and RELEASE OF CERTAIN INTEREST and PENALTIES for ASSESSMENTS ASSOCIATED WITH A GENERAL IMPROVEMENT DISTRICT, ALL UNDERTAKEN PURSUANT TO IC 36-9-17; IC 36-9-36 and IC 36-9-37

Whereas, Pursuant to IC 36-1-2-24, the Town Council for the Town of Highland is the Works Board of the Municipality and as such provides through its street division of the Public Works Department for the construction and maintenance of Streets, Sidewalks and curbs;

Whereas, Pursuant to Ordinance No. 1084, adopted on March 23, 1998, the Town has established a Municipal General Improvement Fund to provide monies to construct, repair, reconstruct or improve certain streets, alleys, sidewalks, curbs, gutters and sewers within the Town, according to the provisions set forth in IC 36-9-17 et seq.; and

Whereas, The Town of Highland has undertaken a series of public improvement projects in which the cost for curb and sidewalk replacement has been ordered paid by the benefitting property owners based upon front footage of their property through a special assessment pursuant to the special general improvement statutes and has particularly financed the portion of the cost of such projects relating to reconstruction of curbs and sidewalks (each such portion of a project, an "Improvement") through the Municipal General Improvement Fund, all pursuant to IC 36-9-17, IC 36-9-36 and IC 36-9-37; and

Whereas, From time to time in the course of employing this method of production and financing of public improvements, some adjoining property owners subject to the assessments duly imposed and fixed, experience compliance delay or default as defined in the Improvement statutes but present sufficiently extenuating circumstances that appeal to the works board to mitigate the ordinary policy objects and purposes associated with assessment collection and enforcement, supporting the waiver and release of penalties and fees in those cases; and

Whereas, The Highland Town Council, acting as the Works Board of the Town, having received an appeal from a property owner subject to the assessments duly imposed and fixed, who has experienced compliance delay or default as defined in the Improvement statutes and such appeal having asserted certain circumstances supporting the partial waiver and release of penalties and fees in those cases now desires to authorize, approve and order such waivers and releases,

Now Therefore Be it hereby Ordered by the Town Council of the Town of Highland, Lake County, Indiana:

Section 1. That the Town Council now finds and determines:

- (a) That **Ms. Betty Lundahl** is a person subject to assessments duly imposed and fixed for the Woodward Avenue General Improvement District for a property commonly identified as 8931 Woodward Avenue, Highland;
- (b) That **Ms. Betty Lundahl** having experienced compliance delay or default as defined in the Improvement statutes, has fully paid the principal amount of the assessments for the lot improved, evidenced by Clerk-Treasurer's receipt No. 124610, dated November 6, 2012; and,
- (c) That **Centier Bank as Trustee for Ms. Betty Lundahl**, in a letter dated 31 October 2012, has asserted certain circumstances supporting the partial waiver and release of penalties and fees associated with the terms of the Woodward Avenue General Improvement District and hereby orders the release and waiver of such fees as follows:
 - (1) That penalties are hereby fully waived by the amount of fifty-two dollars and 50 cents (\$52.50);
 - (2) That the accrued interest is hereby fully waived by the amount of seventy-three dollars and 50 cents (\$73.50);

Section 2. That the Town Council now finds and determines that the Clerk-Treasurer has fully complied with the collection duties associated with these improvement assessments, pursuant to the provisions set out in IC 36-9-36 and IC 36-9-37 and is hereby instructed and authorized to take all such steps to carry-out the objects and purposes of this order, including the release of any related liens held in the name of the Town of Highland upon satisfaction of any outstanding assessment balances.

Be it So Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 12th day of November 2012 having passed by a vote of 5 in favor and 0 opposed.

**WORKS BOARD of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. **Works Board Order No. 2012-40:** An Order of the Works Board Authorizing and Approving Road Work Performed by Walsh & Kelly, Inc. for the Surface Milling and Resurfacing of Martha Street Between Idlewild Drive and the Highland/Munster Corporate Limits in the amount of \$24,218.56, All Pursuant to Chapter 31, Finance and Revenue; Purchasing, of the Highland Municipal Code.

Councilor Novak moved the passage and adoption of Works Board Order No. 2012-40. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

TOWN OF HIGHLAND
BOARD OF WORKS
ORDER OF THE WORKS BOARD 2012-40

AN ORDER OF THE WORKS BOARD AUTHORIZING AND APPROVING ROAD WORK PERFORMED BY WALSH & KELLY, INC. FOR THE SURFACE MILLING AND RESURFACING OF MARTHA STREET BETWEEN IDLEWILD DRIVE AND THE HIGHLAND/MUNSTER CORPORATE LIMITS IN THE AMOUNT OF \$24,218.56, ALL PURSUANT TO CHAPTER 31, FINANCE AND REVENUE; PURCHASING, OF THE HIGHLAND MUNICIPAL CODE

Whereas, The Town of Highland, Department of Public Works, as part of its public duties, has responsibility for the maintenance and repair of public streets throughout the Town of Highland; and

Whereas, The Town Council for the Town of Highland, on April 23, 2012 adopted Order of the Works Board No. 2012-12, Accepting Certain Bids for Road Materials, Supplies, and Services for the Year 2012; and

Whereas, Walsh & Kelly, Inc. was awarded the bid for HAC Surface (delivered, spread, and rolled) for the unit cost of \$69.65 per ton and Surface Milling (0"-3") for the unit cost of \$2.25 per square yard, and

Whereas, Walsh & Kelly, Inc. was engaged by the Director of Public Works to surface mill and repave Martha Street between Idlewild Drive and the Highland/Munster Corporate Limits as a part of the 2012 Street Program; and

Whereas, At the conclusion of the work, Walsh & Kelly, Inc. presented invoice number 12-0722, attached hereto, that itemizes the cost for the work performed, in the verified quantities, and at the unit costs pursuant to the bid, as follows:

<u>Item</u>	<u>Unit</u>	<u>Quan</u>	<u>Unit Cost</u>	<u>Total Cost</u>
HMA Surface	tons	268.54	\$69.65	\$18,703.81
Tack Coat	gallons	165	\$3.15	\$ 19.75
Surface Milling	SYDS	2,220	\$2.25	\$ 4,995.00
Total				\$24,218.56

Whereas, the Public Works Director, pursuant to §31.19(D)(1) of the HMC, serves as the Purchasing Agent for the Public Works Department; and

Whereas, the Town Council as the Works Board of the Municipality, pursuant to §31.17(A)(1) of the HMC serves as purchasing agency for the Public Works Department; and

Whereas, the total purchase price exceeds \$10,000.00 and, pursuant to §31.18(C) of the HMC requires the express approval of the purchasing agency; and

Whereas, the purchase will be supported by the Town of Highland Corporation Capital fund and there is sufficient appropriation in order to support the purchase; and

Whereas, the Town Council now desires to authorize and approve the expense, as described herein, for the total amount of \$24,218.56.

Now Therefore Be it Resolved by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That invoice number 12-0722 dated October 19, 2012 from Walsh & Kelly, Inc. in the total amount of \$24,218.56 is hereby approved.

Section 2. That the Municipal Fiscal Officer is hereby authorized to expend Corporation Capital funds.

Be it So Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 12th day of November 2012 having passed by a vote of 5 in favor and 0 opposed.

**WORKS BOARD of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

4. **Works Board Order No. 2012-41:** An Order of the Works Board Authorizing and Approving Road Work Performed by Big Concrete & Excavating, LLC for the Concrete Work Associated with the Johnston Street Reconstruction project in the amount of \$30,669.00, All Pursuant to Chapter 31, Finance and Revenue; Purchasing, of the Highland Municipal Code

Councilor Novak moved the passage and adoption of Works Board Order No. 2012-41. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

TOWN OF HIGHLAND
BOARD OF WORKS
ORDER OF THE WORKS BOARD 2012-41

AN ORDER OF THE WORKS BOARD AUTHORIZING AND APPROVING ROAD WORK PERFORMED BY BIG CONCRETE & EXCAVATING, LLC FOR THE CONCRETE WORK ASSOCIATED WITH THE JOHNSTON STREET RECONSTRUCTION PROJECT IN THE AMOUNT OF \$30,669.00, ALL PURSUANT TO CHAPTER 31, FINANCE AND REVENUE; PURCHASING, OF THE HIGHLAND MUNICIPAL CODE

Whereas, The Town of Highland, Department of Public Works, as part of its public duties, has responsibility for the maintenance and repair of public streets throughout the Town of Highland; and

Whereas, The Town Council for the Town of Highland, on January 16, 2012 adopted Order of the Works Board No. 2012-01, An Order Works Board Offering, Authorizing and Approving an Extension to the Contract between the Town of Highland and COEX, Incorporated for Materials and Services – Concrete Work through December 31, 2012, all Pursuant to Indiana Code 5-22 *et Seq.* and §31.18 of the Highland Purchase Code; and

Whereas, The Town of Highland had determined a need to reconstruct Johnston Street between LaPorte Street and Garfield Avenue, including the installation of concrete curbs and other infrastructure improvements; and

Whereas, The Department of Public Works has determined to implement the project with its Public Works employees and through its annual materials and supplies contractors as applicable; and

Whereas, COEX, Inc., due to scheduling conflict, was unable to complete the concrete work in a timely matter and the Public works Department was compelled to engage another contractor to complete the work in order to have the project completed during the 2012 construction season; and

Whereas, Big Concrete & Excavating, LLC had agreed to perform the concrete necessary to complete the project during the 2012 construction season at the same unit price as COEX, Inc. and was engaged by the Department of Public Works to place concrete curb, concrete sidewalk, concrete driveway aprons, and ADA compliant detectable armor tiles for accessible ramps at each intersection; and

Whereas, At the conclusion of the work, Big Concrete & Excavating LLC presented invoice number 1200, attached hereto, that itemizes the cost for the work performed, in the verified quantities, and at the unit costs pursuant to the bid, as follows:

<u>Item</u>	<u>Unit</u>	<u>Quan</u>	<u>Unit Cost</u>	<u>Total Cost</u>
Concrete Curb	LF	1,285	\$15.00	\$19,275.00
Concrete Apron	SF	1,400	\$4.50	\$6,300.00
Concrete Sidewalk	SF	626	\$4.00	\$2,504.00
ADA – Armor Tile	EA	14	\$185.00	\$2,590.00
Total				\$30,669.00

Whereas, the Public Works Director, pursuant to §31.19(D)(1) of the HMC, serves as the Purchasing Agent for the Public Works Department; and

Whereas, the Town Council as the Works Board of the Municipality, pursuant to §31.17(A)(1) of the HMC serves as purchasing agency for the Public Works Department; and

Whereas, the total purchase price exceeds \$10,000.00 and, pursuant to §31.18(C) of the HMC requires the express approval of the purchasing agency; and

Whereas, the purchase will be supported by the **Cumulative Capital Improvement (CCI)** fund and there is sufficient appropriation in order to support the purchase; and

Whereas, The Public Works Director has inspected the work performed by Big Concrete & Excavated, LLC; certifies that the work has been performed according the specification; and recommends that the Town Council authorize and approve the expense, as described herein, for the total amount of **\$30,669.00**.

Now Therefore Be it Resolved by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That Big Concrete & Excavating is hereby approved, authorized and ratified to perform concrete work associated with the Johnston Street Reconstruction Project in consequence of COEX, Inc. inability of completing the work due to a scheduling conflict;

Section 2. That invoice number 1200 dated October 22, 2012 from **Big Concrete & Excavating LLC** in the total amount of **\$30,669.00** for concrete work described and itemized herein for the Johnston Street Reconstruction Project is hereby approved.

Section 3. That the Municipal Fiscal Officer is hereby authorized to expend Cumulative Capital Improvement (CCI) for the work completed by Big Concrete & Excavating LLC.

Be it So Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 12th day of November 2012 having passed by a vote of 5 in favor and 0 opposed.

**WORKS BOARD of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

5. **Proposed Ordinance No. 1525:** An Ordinance Amending Chapter 219 of The Highland Municipal Code Known As The Property Maintenance Code For The Town Of Highland, Indiana, Repealing All Ordinances In Conflict Therewith, And Declaring An Emergency.

Councilor Vassar introduced and moved the consideration of Ordinance No. 1525 at the same meeting of introduction. Councilor Novak seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Vassar introduced and moved the passage and adoption of Ordinance No. 1525 at the same meeting of introduction. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted at the same meeting of its introduction.

**ORDINANCE NO. 1525
of the
TOWN OF HIGHLAND, INDIANA**

AN ORDINANCE AMENDING THE PROPERTY MAINTENANCE CODE FOR THE TOWN OF HIGHLAND, INDIANA, REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, AND DECLARING AN EMERGENCY.

WHEREAS, The Town Council of the Town of Highland is the municipal legislative body of the unit; and

WHEREAS, With the passage of time various Ordinances, Codes, and Procedures of the Town of Highland must be amended; and

WHEREAS, With the passage of time various practices, policies, and procedures must be updated; and

WHEREAS, The Town Council is interested in amending the Property Maintenance Code to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises by establishing minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners, operators, and occupants, regulating the occupancy of existing structures and premises, and providing for administration, enforcement and penalties; and

WHEREAS, The Town Council desires to amend the Property Maintenance Code in order to insure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises within the Town of Highland, Indiana, and to provide that existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein;

NOW, THEREFORE, BE IT ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That Chapter 219 is hereby repealed in its entirety; however, it survives this repeal only to the extent it serves any pending enforcement made during the consideration of this ordinance;

Section 2. That there is hereby created a new chapter, styled Chapter 15.25 and entitled *Property Maintenance Code*, which shall read as follows:

CHAPTER 15.25 PROPERTY MAINTENANCE CODE

DIVISION I GENERALLY

15.25.010 Definitions.

(a) "Scope". The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a difference meaning.

"Approved" refers to approval by the building official as the result of investigation and tests conducted by him or her, or by reason of accepted principles or tests by nationally recognized organizations.

"Basement" means that portion of a building, which is partly or completely below grade.

"Bathroom" means a room containing plumbing fixtures including a bathtub or shower.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy.

"Building code" means the building codes officially adopted by the State of Indiana and by the town council, or other such codes officially designated by the town council for the regulation of construction, alteration, addition, repair, removal, demolition, location, occupancy and maintenance of buildings and structures.

"Code official" means the official who is charged with the administration and enforcement of the property maintenance code, or any duly authorized representative.

"Condemn" means to adjudge unfit for occupancy.

"Construction of documents" means all the written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a building permit. The construction drawings shall be drawn to an appropriate scale.

"Dwellings" including the following:

(1) "Dormitory" means a space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group.

(2) "Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

(3) "Hotel" means any building containing six or more guestrooms intended or designed to be occupied, or which are rented or hired out to be occupied, for sleeping purposes by guests.

(4) "Single-family dwelling" means a building containing one dwelling unit with not more than five lodgers or boarders.

(5) "Rooming house" means a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one-family dwelling or a two-family dwelling.

(6) "Rooming unit" means any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living but not for cooking purposes.

(7) "Two-family dwelling" means a building containing two dwelling unit with not more than five lodgers or boarders per family.

"Exterior property" means the open space on the premises and on adjoining property under the control of owners or operators of such premises.

"Extermination" means the control and elimination of insects, vermin, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

"Family" means an individual or married couple and the children thereof with other persons related directly to the individual or married couple by blood or marriage; or a group of not more than five unrelated persons, living together as a single housekeeping unit in a dwelling unit.

"Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

"Infestation" means the presence, within or contiguous to, a structure or premises of insects, vermin or other pests.

"Inspection certificate" means an identification applied on a product by an approved agency containing the name of the manufacturer, the function and performance characteristics, and the name and identification of an approved agency which indicates that the product or material has been inspected and evaluated by an approved agency.

"Label" means an identification applied on a product by the manufacturer which contains the name of the manufacturer, the function and performance characteristics of the product or material, and the name and identification of an approved agency and which indicates that the representative sample of the product or material has been tested and evaluated by an approved agency.

"Let for occupancy" and "let" mean to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises or structure by a person who is or is not the legal owner of record, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

"Manufacturer's designation" means an identification applied on a product by the manufacturer indicating that a produce or material complies with a specified standards or set of rules. (See "Mark", "Label", and "Inspection certificate").

"Mark" means an identification applied on a product by the manufacturer indicating the name of the manufacturer and the function of a product or material. (See "Manufacturer's designation", "Label", and "Inspection certificate").

"Occupancy" means the purpose for which a building or portion thereof is utilized or occupied.

"Occupant" means any person living or sleeping in a building; or having possession of a space within a building.

"Operator" means a person who has charge, care or control of a structure or premises which is let or offered for occupancy.

"Owner" means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

"Plumbing" means the practice, materials and fixtures utilized in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances within the scope of the plumbing code.

"Plumbing fixture" means a receptacle or device which is either permanently or temporarily connected to the water distribution system of the premises, and demands a supply of water from such water distribution system;

or discharges from waste water, liquid-borne waste materials, or sewage either directly or indirectly to the drainage systems of the premises; or which requires both a water supply connection and a discharge to the drainage system of the premises.

"Premises" means a lot, plot or parcel of land including any structures thereon.

"Public nuisance" includes any of the following:

(1) The physical condition or occupancy of any premises regarded as public nuisance at common law;

(2) Any physical condition or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to abandoned wells, shafts, basements, excavations and unsafe fences or structures;

(3) Any premises that contained unsanitary sewerage or plumbing facilities;

(4) Any premises which are unsafe for human habitation;

(5) Any premises that is manifestly capable of being a fire hazards, or is manifestly unsafe or unsecured so as to endanger life, limb or property;

(6) Any premises from which the plumbing, heating or facilities required by this code have been removed, or from which some or all utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided;

(7) Any premises that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds; or

(8) Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; incomplete construction for an unreasonable period of time; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises.

"Rubbish" means combustible and noncombustible waste materials, except garbage. The term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral material, glass, crockery and dust and other materials.

"Tenant" means a person, corporation, partnership or entity, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

"Toilet room" means a room containing a water closet or urinal but not a bathtub or shower.

"Workmanlike" means executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

"Yard" means an open space on the same lot with a structure.

(b) "Terms defined in other codes." Where terms are not defined in this article and are defined in the building, electrical, plumbing or mechanical codes, such terms shall have the meanings ascribed to them in those codes.

(c) "Parts." Whenever the terms "dwelling unit", "dwelling", "premises", "building", "rooming house", "rooming unit" or "story" are stated in this article, they shall be construed as though they were followed by the term "or any part thereof."

15.25.020 Violations.

(a) "Unlawful acts." It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, let to another or occupy or permit another person to occupy any premises, property, structure or equipment regulated by this article, or cause same to be done, contrary to or in conflict with or in violation of any provisions of this article, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this article.

(b) "Penalty." Any person who shall violate a provision of this article and is convicted of such violation, shall be subject to a fine of not less than \$50.00 nor more than \$500.00 at the discretion of the court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(c) "Prosecution." In case of any unlawful acts the code official shall institute an appropriate action or proceeding at law to exact the penalty provided in subsection (b) of this section. Also, the code official shall ask the jurisdiction's legal representative to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person to:

- (1) Restrain, correct or remove the violation or refrain from any further execution of work;
- (2) Restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
- (3) Require the removal of work in violation; or
- (4) To prevent the occupancy of the structure that is not in compliance with the provisions of this article.

15.25.030 Scope.

This chapter is to protect the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises by establishing minimum requirements and standards for premises, structure, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; fixing the responsibility of owners, operators, tenants and occupants, regulating the occupancy of existing structures and premises, and providing for administration, enforcement and penalties.

15.25.040 Intent.

This article shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required in this article.

15.25.050 Referenced standards.

The standards referenced in this article shall be considered part of the requirements of this article to the prescribed extent of each such reference.

15.25.060 Existing remedies.

The provisions in this article shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary.

15.25.070 Workmanship.

All repairs, maintenance work, alterations or installation which are caused directly or indirectly by the enforcement of this article shall be executed and installed in a workmanlike manner. In situations deemed necessary by the code official, the work shall be performed by contractors licensed within the Town of Highland with the appropriate permits obtained for work issued by the Town of Highland.

15.25.080 Application of other codes.

Any repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the building, plumbing and mechanical codes.

15.25.090 Maintenance.

All equipment, systems, devices and safeguards required by this article or any previous statute or code for the structure or premises when erected or altered shall be maintained in good working order. The requirements of this article are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

15.25.100 Approved material and equipment.

All materials, equipment and devices approved by the code official shall be constructed and installed in accordance with the adopted building code.

15.25.110 Modifications.

Where there are practical difficulties involved in carrying out provisions of this article, the code official shall have the right to vary or modify such provisions upon application of the owner or the owner's representative, provided that the spirit and intent of the law is observed and that the public health, safety and welfare is ensured. The application for modification and the final decision of the code official shall be in writing and shall be officially recorded in the permanent records of the department, and shall be filed with the hiring authority.

15.25.120Material and equipment reuse.

Materials, equipment and devices shall not be reused unless such elements have been reconditioned, tested and placed in good and proper working condition and approved.

15.25.130Alternative materials and equipment.

The provisions of this article are not intended to prevent the installation of any material or method of construction not specifically prescribed by this article, provided that any such alternative has been approved. An alternative material or method of construction shall be approved when the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this article, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this article in quality, strength, effectiveness, fire resistance, durability and safety.

15.25.140Research and investigation.

Sufficient technical data shall be submitted to substantiate the proposed installation of any material or assembly. If the evidence submitted is satisfactory proof of performance for the proposed installation, the code official shall approve such alternative subject to the requirements of this article. The cost of all tests, reports, and investigations required under these provisions shall be paid by the applicant.

15.25.150Access by owner or operator.

Every occupant of a structure or premises shall give the owner or operator of such structure or premises, or agent or employee, access to any part of such structure or premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this article.

15.25.160Reserved.

DIVISION II. ADMINISTRATION AND ENFORCEMENT

15.25.170Code official.

The code official shall be the chief building inspector or other town official designated by the Highland Town Council.

15.25.180Generally.

The code official shall enforce all of the provisions of this article.

15.25.190Notices and orders.

The code official shall issue all necessary notices or orders to ensure compliance with the article.

15.25.200Right of entry.

The code official is authorized to enter the structure or premises at reasonable times to inspect the structure or premises.

15.25.210Identification.

The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this article.

15.25.220Coordination of enforcement.

Inspection of premises, the issuance of notices and orders and enforcement of such notices and orders shall be the responsibility of the code official. Whenever inspections are necessary by any other department, the code official shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency orders.

15.25.230 Rule-making authority.

The code official shall have power as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this article to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this article or of violating accepted engineering practice involving public safety.

15.25.240 Organization.

The code official shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this article and as authorized by the appointing authority. The code official is authorized to designate an employee as deputy who shall exercise all the powers of this article.

15.25.250 Restriction of employees.

An official or employee connected with the enforcement of this article, except one whose only connection is that of a member of the board of appeals established under the provisions of section 32, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of construction documents of such building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

15.25.260 Relief from personal responsibility.

The code official, officer or employee charged with the enforcement of this article, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this article shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this article; and any officer of the department of building inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection with this article.

15.25.270 Official records.

An official record shall be kept of all business and activities of the department specified in the provisions of this article, and all such records shall be open to public inspection at all appropriate times and according to reasonable rules to maintain the integrity and security of such records.

15.25.280 Notices and orders.

(a) "Notice to owner or persons responsible." Whenever the code official determines that there has been a violation of this article or has grounds to believe that a violation has occurred, notice shall be given to the owner or the responsible persons in the manner prescribed in subsections (b) and (c) of this section. Notices for condemnation procedures shall also comply with subsection (b) of § 29.

(b) "Form." Such notice prescribed in subsection (a) of this section shall:

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for identification;
- (3) Include a statement of the reason or reasons why the notice is being issued; and
- (4) Include a compliance order allowing a reasonable time and the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this article.

(c) "Method of service." Such notice shall be deemed to the property served if a copy of such notice is delivered to the owner personally or sent by certified or registered mail addressed to the owner at the last known address with return receipt requested. If the certified or registered letter is returned showing that the letter was not delivered, a copy of such letter shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

(d) "Penalties." Penalties for noncompliance with orders and notices shall be as set forth in section 2(b).

(e) "Transfer of ownership." It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with or until such owner shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

15.25.290 Unsafe structures and equipment.

(a) "Generally." When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this article.

(1) "Unsafe structure." an unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is likely.

(2) "Unsafe equipment." Unsafe equipment includes any boiler, heating equipment, elevator, sanitary and water service, moving stairway, electrical wiring or device flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

(3) "Structure unfit for human occupancy." A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rodent infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this article, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

(4) "Unlawful structure." An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this article, or was erected, altered or occupied contrary to law.

(b) "Closing of vacant structures." If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed through any available public agency or by contract or arrangement by private persons and the cost of closure shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(c) "Notice." Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with section 28. The notice shall be in the form prescribed in section 28.

(d) "Placarding." Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment, a placard bearing the term "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

(e) "Prohibited occupancy." Any person who shall occupy a placarded premises or shall operate placarded equipment, or any other person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this article.

(f) "Removal of placard." The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code officials shall be subject to the penalties provided by this article.

15.25.300 Emergency measures.

(a) "Imminent danger." When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure, including but not limited to, because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure is Unsafe and its Occupancy has been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or demolishing the structure.

(b) "Temporary safeguards." Notwithstanding other provisions of this article, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure described in this article has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

(c) "Closing streets." When necessary for the public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

(d) "Emergency repairs." For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

(e) "Costs of emergency repairs." Costs incurred in the performance of emergency work shall be paid from the treasury of the jurisdiction on approval of the code official. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.

(f) "Hearing." Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this article.

15.25.310 Demolition.

(a) "Generally." The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to raze and remove such structure; or of such structure is capable of being made safe by repairs; to repair and make safe and sanitary or to raze and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than six months, to raze and remove such structure.

(b) "Order." All notices and order shall comply with section § 219.28.

(c) "Failure to comply." If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

(d) "Salvage materials." When any structure has been ordered razed and removed, the town council or other designated officer under such contract or arrangement shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale after deducting the expenses of such razing and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

15.25.320 Means of appeal.

(a) "Application for appeal." Any person affected by a decision of the code official or a notice or order issued under this article shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within ten days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this article or the rules legally adopted under this article have been incorrectly interpreted, the provisions of this article do not fully apply, or the requirements of this article are adequately satisfied by other means.

(b) "Board of appeals." All appeals shall be heard by the town board of zoning appeals, in the same manner as provided for appeal from an interpretation of the zoning officer.

DIVISION III. STANDARDS AND REQUIREMENTS

15.25.330 Requirements.

(a) "Scope." The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

(b) "Responsibility." The owner of the premises shall maintain structures and exterior property in compliance with these requirements, except as otherwise provided. A person shall not occupy as owner-occupant or permit another person to occupy premises which do not comply with the requirements of this division.

(c) "Vacant structures and land." All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided in this division so as not to cause a blighting problem or adversely affect the public health and safety.

15.25.340 Exterior property areas.

(a) "Sanitation." All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

(b) "Grading and drainage." All premises shall be graded and maintained to prevent the erosion of soil and prevent the accumulation of stagnant water on the premises, or within any structure located on the premises. Exception: Water retention areas and reservoirs approved by the code official.

(c) "Sidewalks and driveways." All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. This provision is complimentary to Chapter 172 entitled "Streets and Sidewalks". Stairs shall comply with the requirements of section 35.

(d) "Weeds." All premises and exterior property shall be maintained free from weeds or plant growth in excess of six inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

(e) "Parking lots." All parking lots shall be maintained free from potholes and other hazards and shall be resealed on a periodic basis and kept free from weeds and other debris.

(f) "Vermin harborage." All structures and exterior property shall be kept free from vermin infestation. Where vermin are found, they shall be promptly exterminated by approved processes, which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

(g) "Exhaust vents." Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odor or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

(h) "Accessory structures." All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

15.25.350 Exterior structure.

(a) "Generally." The exterior of a structure shall be maintained in good repair, structurally sound and in sanitary condition so as not to pose a threat to the public health, safety or welfare.

(b) "Exterior painting." All wood and metal surfaces shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(c) "Street numbers." Each structure to which a street number has been assigned shall have such number displayed in a position easily observed and readable from the public right-of-way. All numbers shall be at least three inches (76 mm) high and one-half inch (13 mm) stroke.

(d) "Structural members." All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed loads.

(e) "Foundation walls." All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of vermin and rodents.

(f) "Exterior walls." All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration. All exterior walls shall be free from gang insignia.

(g) "Roofs and drainage." The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and down spouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

(h) "Decorative features." all cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(i) "Overhang extensions." All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts or similar overhang extensions shall be maintained in good repair and be properly anchored so to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(j) "Stairs and walking surfaces." Every stair, ramp, balcony, porch, deck or other walking surface shall comply with the provisions of this section.

(k) "Stairways, decks, porches and balconies." Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

(l) "Chimneys and towers." All chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(m) "Handrails and guards." Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

(n) "Window and door frames." Every window, door and frame and their component parts shall be kept in good condition, good repair and weather tight.

(1) "Glazing." All glazing materials shall be easily openable and capable of being held in position by window hardware.

(2) "Openable Windows." Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(o) "Insect screens." During the period from April 1 to November 1 every door, window and other outside opening utilized or required for ventilation purposes serving any structure containing habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packages or stores, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch in good repair and every swinging door shall have a self-closing device in good working condition. Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans are employed.

(p) "Doors." All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.

(q) "Basement hatchways." Every basement hatchway shall be maintained to prevent the entrance of vermin, rodents, rain and surface drainage water.

(r) "Guards for basement windows." Every basement window that is openable shall be supplied with vermin proof shields, storm windows or other approved protection against the entry of vermin.

(s) "Fences." All fences shall be maintained in good condition and the surface of the fence, both on the inside of the fence and on the outside of the fence, shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

15.25.360 Rubbish and garbage.

(a) "Accumulation of rubbish or garbage." All exterior property and premises, and the interior of every structure shall be free from any accumulation of rubbish or garbage.

(b) "Disposal of rubbish." Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers in accordance with section 170.07 of the Highland Municipal Code. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

(c) "Disposal of garbage." Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

(1) "Garbage facilities." The owner of every dwelling shall supply an approved leakproof, covered, outside garbage container.

(2) "Containers." The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

(3) "Additional regulation." These provisions shall be construed as additional regulation of dumpsters or other garbage containers already which are subject to regulation by any other provisions of the town code.

15.25.370 Extermination.

(a) "Infestation." All structures shall be kept free from insect and vermin infestation. All structures in which insects or vermin are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

(b) "Owner." The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure and during the term of any lease period.

(c) "Single occupant." The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

(d) "Multiple occupancy." The owner of a structure containing two or more dwelling units, a multiple occupancy, a room house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupants shall be responsible for extermination.

(e) "Occupant." The occupant of any structure shall be responsible for the continued vermin free and rodent free condition of the structure, and if the occupant fails to maintain the vermin free condition, the cost of extermination shall be the responsibility of the occupant. Exception: Where vermin and rodent infestations are caused by defects in the structure, the owner shall be responsible for extermination.

15.25.380 Plumbing.

The following provisions of this section shall govern the minimum plumbing facilities and plumbing fixtures to be provided. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with the following requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this section.

(1) "Required facilities."

a. "Dwelling units." Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located.

b. "Roominghouses." At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

c. "Hotels." Where private water closets, lavatories, and baths are not provided, one water closet one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

d. "Employee's facilities." A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

e. "Drinking facilities." Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler, or disposable cups next to a

sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

(2) "Toilet rooms."

a. "Privacy." Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior.

b. "Location." Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

c. "Location of employee toilet facilities." Toilet facilities shall have access from within the employees' regular working area. The required toilet facilities shall be located not more than one story above or below the employee's regular working area and the path to travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or public customer facilities. Exception: Facilities that are required for employees in storage structures or kiosks, and which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

3. "Plumbing fixtures."

a. "Generally." All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

b. "Fixture clearances." Plumbing fixtures shall have adequate clearances for usage and cleaning.

4. "Water system."

a. "Generally." Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixtures shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water.

b. "Contamination." The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the food level rim or the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

c. "Supply." The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressure adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

d. "Water heating facilities." Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110 degrees Fahrenheit (43 degrees Celsius). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters. Water heating facilities having an ignition source and located in hazardous locations, as defined in the Mechanical Code, and located in public garages, private garages, repair garages, automobile service stations and parking garages shall be elevated such that the source of ignition is not less than 18 inches (457 mm) above the floor surface on which the equipment or appliance rests. Such equipment and appliances shall not be installed in Use Group H occupancies or

control area where open use, handling or dispensing of combustible, flammable or explosive materials occurs.

5. "Sanitary drainage system."

a. "Generally." All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

b. "Maintenance." Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks, and defects.

15.25.390 Storm drainage.

Drainage roofs and paved areas, yards and courts and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. In addition, sump pumps shall not discharge onto a public sidewalk or street.

15.25.400 General mechanical and electrical requirements.

The following provisions shall govern the minimum mechanical and electrical facilities and equipment to be provided. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

(1) "Heating facilities."

a. "Facilities required." Heating facilities shall be provided in structures as required by this section.

b. "Residential buildings." Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of 65 degrees Fahrenheit (18 degrees Celsius). In all habitable rooms, bathrooms and toilet rooms shall be based on the outside design temperature required for the locality by the mechanical code.

1. "Heat supply." Every owner of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either express or implied, to furnish heat to occupants thereof shall supply sufficient heat during the period from October 1 to May 1 to maintain the required room temperatures during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than 65 degrees Fahrenheit (16 degrees Celsius) during other hours.

2. "Room temperature exception." When the outdoor temperature is below the outdoor design temperature required for the locality by the state building code, the owner or operator shall not be required to maintain the minimum room temperatures, provided that the heating system is operating at full capacity, with supply valves and dampers in a full open position.

c. "Nonresidential structures." Every enclosed occupied work space shall be supplied with sufficient heat during the period from October 1 to May 1 to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) during all work hours. Exceptions are:

1. Processing, storage and operation areas that require cooling or special temperature conditions.

2. Areas in which persons are primarily engaged in vigorous physical activities.

d. "Room temperature measurement." The required room temperature shall be measured at a point three feet (914 mm) above the floor and three feet (914 mm) from the exterior walls.

(2) "Mechanical equipment."

a. "Mechanical equipment." All mechanical equipment, fireplaces and solid fuel-burning appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

b. "Equipment access." Access to outdoor mechanical equipment shall be maintained under all weather conditions.

c. "Cooking and heating equipment." All cooking and heating equipment, components and accessories in every heating, cooking and water-heating device shall be maintained free from leaks and obstructions and maintained in good working condition.

d. "Flue." All fuel-burning equipment and appliances shall be connected to an approved chimney or vent. Exception: Fuel-burning equipment and appliances, which are labeled for unvented operation.

e. "Clearances." All required clearances to combustible materials shall be maintained.

f. "Safety controls." A supply of air for complete combustion of the fuel and for ventilation of the space shall be provided for the fuel-burning equipments.

g. "Combustion air." A supply of air for complete combustion of the fuel for ventilation of the space shall be provided for the fuel-burning equipment.

h. "Energy conservation devices." Devices purporting to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

15.25.410 Electrical facilities.

(a) "Facilities." Every occupied building shall be provided with an electrical system in compliance with the requirements of this section.

(b) "Service." The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70-225-39(c). Every dwelling shall be served by a main service that is not less than 100 amperes, three wires. In the event a dwelling shall have less than 100 amperes, three wires service, the dwelling shall be required to upgrade the service to 100 amperes, three wires if there is a change in the ownership of the dwelling or the dwelling is leased. Any change of the dwelling from owner occupied to non-owner occupied or any other transfer of ownership shall require an upgrade in the electrical services as provided herein.

(c) "Electrical system hazards." Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper overcurrent protection, insufficient outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard or may require the occupants to vacate the premises until the hazard is remedied.

15.25.420 Electrical equipment.

(a) "Installation." All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

(b) "Receptacles." Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one 20 ampere grounded-type receptacle. Every bathroom shall contain at least one Ground-Fault Circuit Interrupter (GFCI) receptacle.

(c) "Lighting fixtures." Every public hall, interior stairway, water closet compartment, bathroom, laundry room and furnace room shall contain at least one electric lighting fixture.

15.25.430 Elevators, escalators, dumbwaiters.

(a) "Generally." Elevators, escalators, and dumbwaiters shall be maintained to sustain safely all imposed loads to operate properly, and to be free from physical and fire hazards.

(b) "Elevators." In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied. Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing and services.

15.25.440 General fire safety requirements.

(a) "Scope." The following provisions shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

(b) "Responsibility." The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

(1) "Means of egress."

a. "Generally." A safe, continuous and unobstructed means of egress shall be provided from the interior of a structure to a public way.

b. "Exit capacity." The capacity of the exits serving a floor shall be sufficient for the occupant load thereof as determined by the building code.

c. "Number of exits." In nonresidential buildings, every occupied story more than six stories above grade shall be provided with not less than two independent exits. In stories where more than one exit is required, all occupants shall have access to at least two exits. Every occupied story which is both totally below grade and greater than 2,000 square feet (186 m²) shall be provided with not less than two independent exits. Exception: A single exit is acceptable under any one of the following conditions.

1.

Where the building is equipped throughout with an automatic sprinkler system and an automatic fire detection system with smoke detectors located in all corridors, lobbies and common areas.

2.

Where the building is equipped throughout with an automatic fire detection system and the exit is an approved smokeproof enclosure or pressurized stairway.

3.

Where an existing fire escape conforming to the building code is provided in addition to the single unit.

4.

Where permitted by the building code.

d. "Arrangement." Exits from dwelling units, rooming units, guestrooms and dormitory units shall not lead through other such units or through toilet rooms or bathrooms.

e. "Exit signs." All means of egress shall be indicated with approved exit signs where required by the building code. All exit signs shall be maintained visible and all illuminated at all times that the building is occupied.

f. "Corridor enclosure." All corridors serving an occupant load greater than 30 and the openings therein shall provide an effective barrier to resist the movement of smoke. All transoms, louvers, doors and other openings shall be closed or shall be self-closing. Exceptions are:

1.

Corridors in occupancies in other than Use

Group H which are equipped throughout with an automatic sprinkler system.

2.

Patient room doors in corridors in occupancies in Use Group I-2 where smoke barriers are provided in accordance with the fire protection code are not required to be self-closing.

3.

Corridors in occupancies in Use Group E where each room that is occupied for instruction or assembly purposes has at least one-half of the required means of egress doors opening directly to the exterior of the building at ground level.

4.

Corridors that are in compliance with the building code.

g. "Dead-end travel distance."

All corridors that serve more than one exit shall provide direct connection to such exits. The length of a dead-end corridor shall not exceed 20 feet where the building is not equipped throughout with an automatic sprinkler system.

h. "Aisles." Arrangements of chairs

or tables and chairs shall provide for ready access by aisle accessways and aisles to each egress door. The minimum clear width of each aisle in occupancies in Use Group A, E and I-2 shall be maintained in accordance with the requirements of the building code. In all other occupancies, aisles shall have a minimum required clear width of 44 inches (1,118 mm) where serving an occupant load greater than 50, and 36 inches (914 mm) where serving an occupant load of 50 or less. The clear width of aisles shall not be obstructed by chairs, tables, or other objects.

i. "Stairways, handrails and

guards." Every exterior and interior flight of stairs having more than two risers, and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails having minimum and maximum heights of 34 inches (864 mm) and 38 inches (965 mm) high, measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, ramp or other walking surface.

j. "Information signs." A sign shall

be provided at each floor landing in all interior stairways more than three stories above grade, designating the floor level above the floor of discharge. All elevator lobby call stations on all floor levels shall be identified by approved signs in accordance with the requirements for new buildings in the building code.

k. "Emergency escape." Every

sleeping room located in a basement in an occupancy in Use Group I-1 or R shall have at least one openable window or exterior door approved for emergency egress or rescue; or shall have access to not less than two approved independent exits. Exception: Buildings equipped throughout with an automatic fire suppression system.

l. "Security." Bars, grilles or

screens placed over emergency escape windows shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the window.

(2) "Accumulations and storage."

a. "Accumulations." Rubbish, garbage, or other materials shall not be stored or allowed to accumulate in stairways, passageways, doors, windows, fire escapes or other means of egress.

b. "Hazardous material." Combustible, flammable, explosive or other hazardous materials such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as waste paper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the building code and the fire prevention code.

(3) "Fire resistance ratings."

a. "Generally." The fire resistance rating of floors, walls, ceilings, and other elements and components shall be maintained.

b. "Maintenance." All required fire doors and smoke barriers shall be maintained in good working order, including all hardware necessary for the proper operation of fire doors and smoke barriers. Fire doors shall not be held open by doorstops, wedges and other unapproved hold-open devices.

(4) "Fire protection systems."

a. "Generally." All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be properly maintained.

b. "Fire suppression system." Fire suppression systems shall be in proper operating condition at all times.

1. "Valves." Control valves shall be in the fully open position.

2. "Sprinklers." Sprinklers shall be clean and free from corrosion, paint and damage. Stock shall be at least 18 inches (457 mm) below sprinkler deflectors.

3. "Piping." Piping shall be properly supported and shall not support any other leads.

c. "Standpipe systems." Standpipe systems shall be in proper operating condition at all times.

1. "Valves." Water supply control valves shall be in the fully open position.

2. "Hose connections." Hose connections shall be identified and have ready access.

3. "Hose." Where provided, the hose shall be properly packed, dry and free from deterioration.

d. "Fire extinguishers." All portable fire extinguishers shall be visible, provided with ready access thereto, and maintained in an efficient and safe operating condition. Extinguishers shall be of an approved type.

e. "Smoke detectors." A minimum of one approved single-station or multiple-station smoke detector shall be installed in each guestroom, suite or sleeping area in occupancies in Use Groups R-1 and I-1, and in dwelling units in the immediate vicinity of the bedrooms in occupancies in Use Group R-2 and I-1 and R-3. In all residential occupancies, smoke detectors shall be required on every story of the dwelling unit, including basements. In dwelling units with split-levels and without an intervening door between the adjacent levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level, provided that the lower level is less than full story below the upper level.

1. "Installation." All detectors shall be installed in accordance with the building code. When actuated, the smoke detectors shall provide an alarm suitable to warn the occupants within the individual room or dwelling unit.

2. "Power source." The power source for smoke detectors shall be either an AC primary power source or a monitored battery primary power source.

3. "Tampering." Anyone tampering or interfering with the effectiveness of a smoke detector shall be in violation of this section.

f. "Fire alarm systems." Fire alarm systems shall be in proper operating condition at all times.

1. "Control panel." The "power on" indicator shall be lit. Alarm or trouble indicators shall not be illuminated.

2. "Manual fire alarm boxes." All manual fire alarm boxes shall be operational and unobstructed.

3. "Automatic fire detectors." All automatic fire detectors shall be operational and free from any obstructions that prevent proper operation, including smoke entry.

5. "Elevator recall." All elevators having a travel distance of 25 feet (7620 mm) or more above or below the primary level of elevator access of emergency firefighting or rescue personnel shall conform to the requirements of Rule 211.3 of ASME A17.1.

6. "Mechanical equipment control." Approved smoke or heat detectors shall be installed in return air ducts or plenums in each recirculating system with a capacity of more than 2,000 cfm (0.94 m³/sec) and serving more than one floor in buildings that exceed six stories in height in accordance with the mechanical code. Actuation of the detector shall stop the fans automatically and shall be of the manual-reset type. Automatic fan shutdown is not required where the system is part of an approved smoke control system.

15.25.450 Rental units.

(A) Rental units must be licensed every two years or upon the transfer of ownership of the property, whichever event occurs earlier, by the payment of a fee of \$25.00 as a license fee to the town of Highland.

(B) The code official is authorized and directed to make inspections to determine the conditions of rental units located within the town of Highland in order that they may perform their duties of safeguarding the health and safety of the occupants and the general public.

(1) The code official is authorized to enter, examine and survey, at all reasonable times, all rental units. The owner or the owner's representative, and/or the occupant of every rental unit shall give the code official free access to such rental unit and its premises at all reasonable times for the purpose of such inspection, examination and survey; provided, however, that such code official has, prior to entry hereof, positively identified himself or herself as a person authorized pursuant to this chapter to enter upon said premises. At the time of each inspection, all pets must be controlled so that the code official can move about the dwelling and surrounding property without interruption.

(2) The owner or the owner's representative shall be entitled to 24 hours' written notice from the code official prior to conducting the inspection, examination or survey. The owner or the owner's representative shall be responsible for notifying the occupant of the rental unit of the inspection when he or she receives notice of the intent to inspect from the code official.

(3) This provision shall not be construed to limit or restrain the right of the code official to make any inspection of any other building or premises pursuant to any of the provisions of IC 36-7-9-1 et seq.

(C) Every rental unit shall be inspected by the code official or his designee at least once annually.

(D) Every occupant of a rental unit shall give the owner thereof or the owner's representative access to any part of such dwelling or rental unit or its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter.

(E) The code official shall issue to the owner of every licensed and inspected rental unit an inspection certificate as proof that the unit passed inspection. The inspection certificate shall be valid until the next inspection.

(F) At each change of occupancy, every owner or the owner's representative shall provide the occupant with a copy of the inspection certificate. In the case of a hotel or rooming house, the inspection certificate shall be posted in a conspicuous place within the facility.

(G) If a code official finds that the rental unit fails to comply with any standard set forth in this chapter, any other ordinance of the town of Highland, or any statute of the state of Indiana, he or she shall give notice of the alleged violation to the owner of the rental unit. The notice shall be served upon the owner or the owner's representative and the occupant of the rental unit. Service will be deemed sufficient if made in accordance with IC 36-7-9-25.

(H) A rental unit that the code official finds to be unsafe shall be repaired so that it meets acceptable standards within five days of the notice described in HMC [15.25.280](#). Any other violations shall be repaired within 30 days of the notice of a violation described in HMC [15.25.280](#).

(I) If a rental unit is cited for violations of this chapter, no new violations shall be cited at the time of the reinspection for the original violation unless such new violations make the property unsafe.

(J) Upon notification that a rental unit has not obtained the necessary license, the code official may inspect such premises upon 24 hours' notification to the owner of the property, for the purpose of determining if a license is required or if any inspection certificate is required. If access cannot be obtained, the code official may obtain an inspection warrant pursuant to the provisions of IC 36-7-9-16.

(K) Nothing in the preceding subsection should be construed to require an investigation by the code official or any town employee prior to the town filing a complaint against the owner of the real estate who fails to obtain a required license. [Ord. 1274 § 2, 2005. Code 2000 § 219.45].

15.25.460 Graffiti Prohibited

All sidewalks, walls, buildings, fences, signs and other structures or surfaces shall be kept free of graffiti when the graffiti is visible from the street or other public property. The authority and procedures for enforcement of violations of this section are prescribed in Sections § 219.17 to § 219.28 of this Chapter except as provided in this section.

(A) In the event that graffiti is determined to exist on property in violation of this section, the code official shall notify the owner of the property or the responsible party, which notice may be served by certified mail, personal service, by posting the subject property or publishing the notice in a newspaper of general circulation within the town.

(B) The notice of violation shall identify the property in violation, shall generally describe the location of the graffiti and direct that the graffiti shall be abated within ~~ten~~ **(10)** days of receipt of notice. ***The notice shall give the owner or responsible party an opportunity to voluntarily participate in a graffiti removal program, the cost of which may be partially underwritten by the town up to \$100.00 per occurrence, upon signing a waiver of a form attached hereto as Exhibit A.*** The notice shall state that in the event the owner or responsible party fails to abate the graffiti ***or to participate in the graffiti removal program*** within the time period specified in the notice of violation, the Town shall abate the graffiti. The notice shall state that the owner or responsible party may appeal the notice to Board of Zoning Appeals according to procedures prescribed by § 219.32 of this Chapter by filing a written notice of appeal within seven (7) days of the date of notice accompanied by an appeal fee of twenty-five dollars (\$25.00).

(C) In the event that the owner or responsible party fails to abate the graffiti as required by the notice of violation, the code enforcement official shall employ the necessary labor and materials to abate the graffiti as expeditiously as possible. A contractor retained by the code enforcement official is expressly authorized to enter private property and abate graffiti thereon in accordance with this section. A contractor retained for graffiti abatement services must provide evidence of liability and property damage insurance in limits not less than \$1 million per occurrence and name the naming the Town of Highland, its employees, agents, representatives and volunteers as "an additional insured".

(D) Costs incurred by the town in the performance of graffiti abatement shall be paid from appropriations to the code enforcement **function**.

(E) The town attorney shall institute appropriate action against the owner of the premises where graffiti was located for the recovery of such graffiti abatement costs, ***including but not limited to the filing of a lien against the subject property.***

(F) A person who damages or defaces property of another person that involves the use of graffiti shall be prosecuted for criminal mischief and shall be subject to penalties prescribed by IC 35-43-1-2.

(G) If a person is convicted of an offense under IC 35-43-1-2, the court may, in addition to any other penalty, order that person's operator's license be suspended or invalidated by the bureau of motor vehicles for up to one year subject to restitution to the satisfaction of the damaged property owner as authorized by subsections (c) and (d) of IC 35-43-1-2.

(H) Costs incurred by a property owner and/or the town in the performance of graffiti abatement may be recovered if prosecution results in restitution from the vandals.

Section 2. Conflicting ordinances repealed.

That all provisions of ordinances in conflict with the provisions hereof are hereby repealed with such amendments hereby enacted pursuant to §10.17 of the Highland Municipal Code;

Section 3. Effective date.

(a) Whereas an emergency exists, this Ordinance shall become and be in full force and effect from and after the date of its adoption, passage and publication in the manner prescribed by law, and until its subsequent amendment or repeal by proper ordinance;

(b) The organizational construct anticipates that which will be used in the new Highland Municipal Code, which is yet to formally be adopted and should have no effect on the validity or effect of this ordinance. Until adoption of new Code, the ordinance shall be cited or by its number and by Section 1. Subdivision 15.25.XX as appropriate.

Introduced and filed on the 12th day of November 2012. Consideration on the first reading sustained by a vote of 5 in favor and 0 opposed, pursuant to I.C. 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 12th day of November 2012 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL OF THE TOWN OF
HIGHLAND, INDIANA**

BERNIE ZEMEN, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

6. Authorize the proper officer to publish a notice for proposed additional appropriations in the **Municipal Cumulative Capital Development Fund** in the amount of \$57,000 to support purchase of a truck mounted aerial unit and to support Street Light replacement. Councilor Vassar moved to approve the and authorize the publication of the notice as indicated. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The notice for publication was authorized.

Comments from the Town Council Members
(For the Good of the Order)

- **Councilor Mark Herak:** *Park and Recreation Board Liaison • Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Park and Recreation Board.*

Councilor Herak recognized the Parks and Recreation Superintendent who provided a cursory survey of park programs reminding all of the Tree Lighting and parade event for the holiday on November 24 beginning at 4:30 p.m.

Councilor Herak acknowledged the Assistant Public Works Director reported that the leaf collection program continues according to schedule.

Councilor Herak wished all a happy Thanksgiving.

- **Councilor Dan Vassar:** • *Redevelopment Commission Liaison.*

Councilor Vassar recognized the Redevelopment Director who offered a cursory overview of on-going redevelopment activities and the status of the facade improvement program.

Councilor Vassar also reported on the Operation SOS parcel packaging event to take place on Sunday, November 25 2012 at the Wicker Park Club house. The event is sponsored by the SOS group which organizes packages to be sent to active duty members of the United States armed forces in combat theaters in Afghanistan and Iraq.

Councilor Vassar also recognized Mr. Pat Krull in the audience, congratulating him on his recent election to the Highland Board of School Trustees.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison • Town Board of Metropolitan Police Commissioners Liaison • Chamber of Commerce Liaison.*

Councilor Kuiper acknowledged the Police Chief who reported on the Town's participation in the USMC Reserve's Toys for Tots Program. The Metropolitan Police Chief also noted that the police officers were organizing for its annual "Shop with a Cop" initiative.

- **Councilor Brian Novak:** *Advisory Board of Zoning Appeals, Liaison • Traffic Safety Commission Member • Northwestern Indiana Regional Planning Commission member • Lake County Solid Waste Management District Board Member.*

Councilor Novak acknowledged the Metropolitan Police Chief for comment on activities of the Traffic Safety Commission. There was no report offered.

- **Councilor Bernie Zemen:** *Town Executive • Chamber of Commerce Liaison • Police Pension Board Chairman • Plan Commission member • Liaison to the Board of Waterworks Directors.*

Council President Zemen wished all a Happy Thanksgiving.

Comments from Visitors or Residents:

1. Michael Blejski, 9636 5th Place, Highland, identified himself as associated with the Highland Key Club, and inquired about ways in which he and the club could assist as volunteers for Police initiatives.
2. Kathy Goodson, 3221 Grand Boulevard, Highland, presented a recently published letter to the editor, from the TIMES newspaper, regarding the feral cat challenge. Ms. Goodson inquired if the Town Council had moved forward with a policy regarding the feral cat issue in Highland. She indicated that a program or policy should provide for spaying or neutering of stray cats as captured and then released.

Councilor Vassar requested that an expert in the matter be invited to meet with the Town Council to further discuss the matter.

3. Bob Baxter, 2944 Lincoln Street, Highland, expressed his appreciation over the recent resurfacing of the Bike Trail, noting he was a user.
4. Patricia Hayne, 3634 Franklin, Highland, requested that a street light be installed on her street.

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Kuiper moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period October 23, 2012 through November 12, 2012 as well as the Payroll Dockets for the paydays of September 7 and October 5, 2012. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors were allowed and the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$173,284.47; Motor Vehicle Highway and Street (MVH) Fund, \$17,855.03; Local Road and Street (LRS) Fund, \$2,246.74; Federal Forfeit and Seized Assets Fund, \$47.49; Local Forfeit and Seized Assets Fund, \$359.67; Law Enforcement Training and Supply Fund, \$963.05; FSA Agency Fund, \$525.00; Insurance Premium Fund, \$144,449.87; Information and Communications Technology Fund, \$8,380.90; Civil Donation Fund, \$70.00; Cumulative Capital Improvement Fund, \$10,368.81; Municipal Cumulative Capital Development Fund, \$2,062.50; General Improvement Fund, \$24.00; Traffic Violations and Law Enforcement Agency Fund, \$4,780.50; Municipal Cumulative Street Fund, \$2,698.00; Sexual Predator Grant Fund, \$25,626.44; Gaming Revenue Sharing Fund, \$28,663.42; Corporation Capital Fund, \$24,218.56; Payroll Fund, \$2.66. Total: \$446,627.11.

Payroll Docket, payday of September 7, 2012:

Council Boards and Commissions, \$0.00; Office of the Clerk-Treasurer, \$11,983.62; Building and Inspection Department, \$6,969.12; Metropolitan Police Department, \$97,078.01; Fire Department, \$2,831.95; Public Works Department (Agency), \$57,209.89; and Police Pension Trust Fund (1925 Act), \$0.00; Total: \$176,072.59.

Payroll Docket, payday of October 5, 2012:

Council Boards and Commissions, \$0.00; Office of the Clerk-Treasurer, \$11,768.18; Building and Inspection Department, \$7,169.32; Metropolitan Police Department, \$92,374.00; Fire Department, \$3,012.02; Public Works Department (Agency), \$54,843.64; and Police Pension Trust Fund (1925 Act), \$0.00; Total: \$169,167.16.

Adjournment. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Vassar seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, November 12, 2012 was adjourned at 7:44 O'clock p.m. No study session followed the plenary meeting.

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer